

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Derrick Lee Riddle,

File No. 20-cv-1262 (ECT/ECW)

Petitioner,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

The State of Minnesota, Ramsey Co.,
Department of Corrections, John Choi, and
Keith M. Ellison,

Respondents.

Petitioner Derrick Lee Riddle commenced this action pro se by filing a petition for a writ of habeas corpus. ECF No. 1. The case is before the Court on a Report and Recommendation (“R&R”) [ECF No. 35] issued by Magistrate Judge Elizabeth Cowan Wright. Magistrate Judge Wright recommends dismissing Riddle’s petition with prejudice, except for Riddle’s request for relief with respect to law libraries, which she recommends dismissing without prejudice. R&R at 29. Riddle filed objections to the Report and Recommendation. ECF Nos. 37, 38. In response to Riddle’s objections, Respondent State of Minnesota filed a short pleading confirming its position “that th[e] Court adopt the R&R in full.” ECF No. 39. Riddle then filed a response to the State of Minnesota’s submission on February 16. ECF No. 41. Because Riddle has objected, the Court is required to review the Report and Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge Wright’s analysis and conclusions are correct. The Court also has

separately reviewed Riddle's "Motion to Review Transcripts in the Name of Justice/for Evidence of Actual Innocent" [ECF No. 42] and finds it to be legally unsupported. This motion will therefore be denied.

Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Objections to the Report and Recommendation [ECF Nos. 37, 38] are **OVERRULED**;
2. The Report and Recommendation [ECF No. 35] is **ACCEPTED** in full;
3. Petitioner Derrick Lee Riddle's Petition for a Writ of Habeas Corpus by a Person in State Custody arising under 28 U.S.C. § 2254 [ECF No. 1] is **DENIED**;
4. Petitioner Derrick Lee Riddle's Amended Petition for a Writ of Habeas Corpus by a Person in State Custody arising under 28 U.S.C. § 2254 [ECF No. 17] is **DENIED**;
5. Petitioner Derrick Lee Riddle's Additional Ground for Amended Petition [ECF No. 18] is **DENIED**;
6. Petitioner Derrick Lee Riddle's Supplemental Petition [ECF No. 19] is **DENIED**;
7. Respondents' Motions to Dismiss [ECF Nos. 6, 25] are **GRANTED**;
8. Petitioner Derrick Lee Riddle's Motions for a Speedy Hearing and Decision [ECF Nos. 22, 32, 36] are **DENIED** as moot;
9. Petitioner Derrick Lee Riddle's Questions to the Courts/M[an]istrate Judge [ECF No. 34] are **DENIED**;

10. Petitioner Derrick Lee Riddle's Motion to Review Transcripts in the Name of Justice/for Evidence of Actual Innocent [ECF No. 42] is **DENIED**;

11. This action is **DISMISSED WITH PREJUDICE** except for Petitioner's request for relief with respect to law libraries, which is **DISMISSED WITHOUT PREJUDICE**; and

12. No certificate of appealability will be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 2, 2021

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court